

E-filed 3/16/11

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

KENT WARD, No. C 09-4565 RS

v. Plaintiffs,

No. C 09-4565 RS

ORDER RE: BRIEFING

EQUILON ENTERPRISES, LLC, et al.,

Defendants.

On March 14, 2011, defendants filed an objection to a nondispositive pretrial order of the magistrate judge denying their motion for a protective order. The order in question was electronically filed on February 24, 2011. Accordingly, defendants' objection was timely filed.¹

¹ By operation of General Order No. 45, § IX. A, the parties' receipt of the notice of electronic filing automatically generated by the ECF system is deemed to have been "service" of that order. Under Fed. R. Civ. P. 72(a), any objections to the order were due within 14 days after service. Fourteen days from January 24, 2011 was March 10, 2011. By virtue of paragraph (d) of Rule 6, which provides that where service of a document is made by electronic means, "3 days are added after the period would otherwise expire under Rule 6(a)." Three days following March 10 is March 13, 2011, which was a Sunday. Thus, pursuant to Fed. R. Civ. P. 6 (a)(1)(C), "the period continue[d] to run until the end of the next day that [was] not a Saturday, Sunday, or legal holiday," which in this instance was Monday, March 14, 2011.

1 No later than March 28, 2011, plaintiff shall file any opposition, of no more than five pages
2 in length, to the merits of defendants' objection. Unless otherwise ordered, the matter shall then be
3 submitted for decision without further briefing or oral argument.

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5 IT IS SO ORDERED.

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7 Dated: 3/16/11



8 RICHARD SEEBORG
9 UNITED STATES DISTRICT JUDGE